

### **REMARKS**

Claims 1 - 17 are pending in the subject application.

Claim 1 has been amended to more clearly recite the claimed invention.

Claim 4 remains unchanged and been re-written in independent form.

Claim 13 has been added to depend from amended claim 1.

Claims 14 – 17 have been added to more fully protect the invention.

#### **The Rejection Under 35 U.S.C. §102(b)**

Claims 1 – 12 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by Adam (5901472) or Pierce et al (2299927). This rejection is either traversed or obviated for the reasons stated below.

Original claim 1 recited

“co-operating orienting means being operative to physically retain said receptacle in the correct orientation relative to said outer shoe sole at least until an inner shoe sole is secured to said outer shoe sole” (emphasis added).

No such co-operating orienting means is found in either Adam or Pierce et al. In Adam there is no control over the angular position of the receptacle which is placed randomly in any angular position relative to the sole; it is not limited to a particular correct position. See Fig. 5 in Adam where the cut-out shoulders in the sole 31 are annular shoulders without any contour to match the contours of the receptacle placed therein. In fact, there is no suggestion of it being desirable to have a correct angular orientation of the Adam receptacle in sole 31.

The same is true of Pierce et al. The receptacle can be anchored to the sole by prongs 24 at any angular position. There is no suggestion of it being desirable to have a correct angular orientation of the receptacle in the sole.

In the currently amended version of claim 1, this feature is more clearly stated. Specifically, amended claim 1 recites that the cooperative orienting means can orient the receptacle in only one possible rotational position relative to and in a multi-layer shoe sole while preventing rotation of the receptacle relative to the outer shoe sole. For the reasons noted above, neither Adam nor

Pierce et al disclose or suggest this feature. If the Examiner sees these references otherwise, Applicant respectfully requests that the Examiner explicitly point out how the references are being construed to include this feature.

For the stated reasons it is submitted that claim 1 is patentable over Adam and Pierce et al.

Claims 2, 3 and 5 – 12 depend from amended claim 1 and are patentable therewith at least because of this dependency.

Claim 4 remains unchanged except for being converted from dependent to independent form. In other words, this claim is a combination of original claims 1, 2, 3 and 4. Because of this, any new grounds for rejection raised against this claim should not be made Final. In any event, this claim is patentable for the reasons discussed above pertaining to original claim 1 and for at least the recitation that the orienting means has, projecting from the receptacle, a flange with a non-rotationally symmetrical shape. This feature has no correspondence in Adam or Pierce et al.

New claim 13 depends from amended claim 1 and is patentable for the reasons noted above on behalf of that claim. In addition, claim 13 includes the feature of the orienting means having a flange with a non-rotationally symmetrical shape projecting from the receptacle. As noted above in the discussion of claim 4, this feature is neither disclosed nor suggested by Adam or Pierce et al.

New claim 14 is an independent claim that recites the following features not disclosed or suggested in Adam or Pierce et al:

- a. The receptacle is secured in the sole to rotationally receive and lock a stud in only one permitted rotational position relative to the receptacle.
- b. The receptacle is permitted to be secured in the shoe sole in only one rotational orientation.
- c. A plate is secured to and extends laterally beyond the receptacle boss and has a predetermined rotationally asymmetric periphery.
- d. The sole receives the plate in only one possible rotational orientation to prevent rotational movement of the plate relative to the sole.

Accordingly, claim 14 is patentable over Adam and Pierce et al.

Claims 15 – 17 depend from claim 14 and are patentable therewith. In addition, these claims recite patentable features in their own right. Claim 15 requires the sole to have a recess with a peripheral boundary corresponding to the predetermined rotationally asymmetric periphery of the plate recited in claim 14. Claim 16 requires the predetermined rotationally asymmetric periphery to have a plurality of discrete intersecting sides. Claim 17 requires the engagement means to include a plurality of upstanding members secured to the sole and spaced to define an area therebetween for receiving the plate such that the plate can be accommodated in only one position. None of these features are disclosed or suggested by Adam or Pierce et al.

In view of the remarks set forth above it is submitted that this application, with claims 1 – 17, is in condition for allowance. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and expedite the disposition of the application.

Filed concurrently herewith is a Petition (with payment) for an Extension of Time of Two Months. Applicant hereby petitions for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,

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